

U.S. Patent Application No. 09/576,424

I. REMARKS

Upon reviewing the papers submitted to the United States Patent and Trademark Office on July 26, 2005, the applicants note two typographical errors in the Remarks section on page 8 of the paper entitled "Amendment Filed Concurrently with a Request for Continued Examination Pursuant to 37 CFR 1.114 and Petition Pursuant to 37 CFR 1.313(c)(2)." The applicants hereby wish to clarify any confusion which might be created by these two typographical errors. There are no typographical errors in the amendment portion of the papers filed on July 26, 2005.

The first typographical error is found in the description of the changes within Figure 5A. A portion of the second line of the third paragraph should read "(2) replaced 'T' at nucleotide position no. 68 with 'C'". The applicants point to the informal replacement Figure 5A which demonstrates that the nucleotide was intended to be replaced by a "C," and not by an "A." Further support for this correction is noted from the fact that the codon "GCC" encodes for the amino acid alanine, while the codon "GAC" encodes for aspartic acid. Hence, no new matter has been added.

The second typographical error is found in the description of the changes within SEQ ID NO:10. The fifth and sixth lines of paragraph five should read, "In SEQ ID NO:10, the applicants have amended the amino acid at position 23 from 'Val' to 'Ala' and the amino acid at position 138 from 'Ser' to 'Thr'." The applicants note that support for correcting this typographical error is the same as above. As such, the applicants assert no new matter has been added.

Lastly, the applicants note that additional support for the correction of these two typographical errors can be found in the Sequence Listing, which was also filed on July 26, 2005. For the convenience of the Office, the applicants are submitting a marked up version of page 8 to show the corrections of the typographical errors.

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II. CONCLUSION

Should the Patent Office have any questions or concerns regarding the foregoing, the undersigned may be contacted at the number indicated below.

Respectfully submitted,



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III. REMARKS

The applicants have amended the claims to correct a minor typographical error. Specifically, the acronym for the American Tissue Culture Collection is incorrect due to a simple typographical error. The applicants have corrected this inadvertent error. No new matter has been added.

In addition, the applicants have also submitted an informal replacement figure for Figure 5A. The applicants have discovered two errors in the sequence of the 16C10 light chain antibody shown in Figure 5A. In view of this discovery, the applicants are submitting a substitute Sequence Listing and an informal replacement Figure 5A, both of which sets forth the correct sequence of the 16C10 light chain antibody.

In Figure 5A, the applicants have (1) replaced "V" at amino acid position no. 23 with "A"; (2) replaced "T" at nucleotide position no. 68 with "C"; (3) replaced "S" at amino acid position no. 138 with "T"; and (4) replaced "T" at nucleotide position 412 with "A". The applicants submit that the amended Figure 5A does not constitute new matter because support for the correct sequences can be found in the ATCC deposit, which was deposited with the ATCC on May 29, 1996.

Similarly, the applicants submit that the substitute sequence listing does not contain new matter since support for the correct sequences can also be found in the ATCC deposit information, specifically via the amendment filed September 22, 2004. Pursuant to 37 C.F.R. § 1.804(b), the amendment states that the biological material deposited, i.e., hybridoma 16C10, is the biological material specifically identified in the application as originally filed.

The applicants have amended SEQ ID NOS:9 and 10 in the following manner. In SEQ ID NO:9, the nucleotide nos. 67-69 has been changed from "gtc" to "gcc" while the corresponding amino acid has changed from "Val" to "Ala". Nucleotide no. 412-414 has been changed from "tcg" to "acg" while the corresponding amino acid has changed from "Ser" to "Thr". In SEQ ID NO:10, the applicants have amended the amino acid at position 23 from "Val" to "Ala" and the amino acid at position 138 from "Ser" to "Thr". The applicants assert no new matter has been added.

The applicants, through their undersigned attorney, hereby state that the nucleotide and amino acid sequence of ATCC Deposit Accession No. HB-12119 is the same as the sequence filed in the substitute Sequence Listing submitted herewith and do not constitute new matter. If necessary, a declaration from the applicants attesting that the newly amended